

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

JULIO VICENTE-RIOS,
a/k/a "Julio V. Rios,"
a/k/a "Pablo Reyes-Ortiz"

Case No.

16-1552-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 2, 2016 in the county of Philadelphia in the
Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

Offense Description

8 U.S.C. Section 1326(a) and (b)(1)

Julio Vicente-Rios, an alien, and native and citizen of Guatemala, who had previously been deported from the United States on or about February 15, 2008 and January 29, 2009, was found in the United States, having knowingly and unlawfully reentered the United States without first applying to the Attorney General or her successor, the Secretary for the Department of Homeland Security, for permission to reapply for admission, and without receiving in response the express consent to reapply for admission, in violation of 8 U.S.C. Section 1326(a) & (b)(1).

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

Elizabeth Schoch, Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/22/16

Judge's signature

City and state: Philadelphia, PA

HON. ELIZABETH T. HEY, USMJ

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AFFIDAVIT

16-1552-m

1. I, Elizabeth L. Schoch, am a Deportation Officer (“DO”) of the Department of Homeland Security under Immigration and Customs Enforcement (“ICE”). I have been an Officer with ICE since December of 2011. As part of my duties I conducted investigations related to violations of the Immigration and Nationality Act, specifically foreign born nationals that have been deported from the United States and subsequently reentered the United States illegally. I am currently assigned to the ICE Enforcement and Removal Operations (“ERO”) Philadelphia, Pennsylvania Field Office (ICE ERO/PHI) and my duties include investigating violations of Title 8 of the United States Code (“U.S.C.”) to include violations of immigration offenses.

2. This affidavit is made in support of a criminal complaint against Julio VICENTE-RIOS, (hereinafter “VICENTE-RIOS”), a/k/a “Julio V. Rios,” a/k/a “Pablo Reyes-Ortiz,” where there is probable cause to believe VICENTE-RIOS, an alien, re-entered the United States after deportation, in violation of Title 8, United States Code, §1326(a) & (b)(1).

3. On December 2, 2016, Deportation Officer (“DO”) Robert Woodson received information that VICENTE-RIOS had surrendered himself to the Philadelphia Police Department because of a warrant for Unlawful Contact With Minor – Sexual, Sexual Assault, Corruption Of Minors, Indecent Assault Person Less than 13 Years of Age and Simple Assault. He is charged under the name Julio V. Rios. VICENTE-RIOS, in Philadelphia Police Department custody, was found to be a match to FBI#: 479313NC5.

4. On December 2, 2016, DO Woodson conducted a check in National Crime Information Center (“NCIC”) for VICENTE-RIOS’s criminal history, as well as immigration

history. Under the FBI number provided, 479313NC5, it was found that VICENTE-RIOS had previous encounters with United States Immigration and Customs Enforcement. Further checks in the Enforcement Alien Removal Module (EARM) were conducted for VICENTE-RIOS's immigration history in the United States. It was found that VICENTE-RIOS had been deported from the United States on February 15, 2008 and January 29, 2009.

5. A review of ICE and Law Enforcement indices contained the following information regarding VICENTE-RIOS: biographical information, family history, records of encounters with ICE, criminal conviction history, photographs and fingerprints. Based on the review, your affiant has concluded that it does in fact pertain to the individual in this matter. The ICE indices revealed the following information relative to this individual:

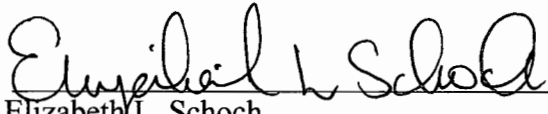
- a. VICENTE-RIOS is a citizen and national of Guatemala.
- b. This affidavit and the Complaint to which it is attached correctly reflect VICENTE-RIOS's name.
- c. On July 05, 2007, VICENTE-RIOS was convicted for the offense of Driving Under the Influence, in violation of Tennessee Penal Law Title 55, Section 10, Subsection 401.
- d. The United States, pursuant to a "Warrant of Deportation/Removal," removed VICENTE-RIOS on or about February 15, 2008, through New Orleans, Louisiana to Guatemala.
- e. On December 22, 2008, VICENTE-RIOS was convicted in the United States District Court for the Western District of Texas for the offense of Re-entry after Deportation, in violation of Title 8 United States Code, Section 1326.

f. The United States, pursuant to a "Warrant of Deportation/Removal," removed VICENTE-RIOS on or about January 29, 2008, through El Paso, TX, to Guatemala.

g. VICENTE-RIOS has since re-entered the United States on an unknown date, and did so without having obtained the advanced permission of the Attorney General of the United States, or her successor, the Secretary of Homeland Security, to reapply for admission.


6. A search of ICE databases reveal that VICENTE-RIOS did not seek permission of the United States Attorney General, or her successor, the Secretary of the Department of Homeland Security, to re-enter as required by 8 U.S.C. 1360(d).

Based on all of the foregoing, your affiant believes that there is probable cause to conclude that Julio VICENTE-RIOS has committed the offense of illegal reentry into the United States after deportation, in violation of Title 8, United States Code, § 1326(a) & (b)(1), and respectfully asks that the Court issue a warrant ordering his arrest for such crime.


Elizabeth L. Schoch
Deportation Officer
Immigration and Customs Enforcement

SUBSCRIBED TO AND SWORN TO BEFORE ME

THIS 22nd DAY OF DECEMBER, 2016.


HONORABLE ELIZABETH T. HEY
United States Magistrate Judge
Eastern District of Pennsylvania